

W5YI

National Volunteer Examiner Coordinator

REPORT

Up to the minute news from the world of amateur radio, personal computing and emerging electronics. While no guarantee is made, information is from sources we believe to be reliable. May be reproduced providing credit is given to The W5YI Report.

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FCC LOOKS INTO THIRD PARTY TRAFFIC

The hectic situation on twenty meters has reached the point where we could easily see an end to phone patches ...even third party communications. For some time, Official Observers and the FCC have been monitoring what appears to be business communications between South Americans, recreational boaters and missionaries on the high frequency ham bands. In addition, new amateur h.f. bulletin stations have appeared that seemingly broadcast without end. Amateurs are concerned that these communications are interfering with or precluding normal ham operations.

President Reagan signed legislation (PL 97-259) in 1982 permitting amateurs to assist the FCC in monitoring the airwaves for rules violations. This was followed a couple of years later by an agreement between the FCC's Field Operations Bureau and the ARRL.

In late 1988 **Eric Hogberg, W4TAH**, of Sarasota, Florida, applied for and was granted a *Memorandum of Understanding* between the three Florida FCC Field Offices and two Section Managers. Thus the *Amateur Auxiliary of the FCC Field Operations Bureau* was born. They have investigated and have been very successful in resolving many disputes ...mostly amateur interference cases. The Commission has applauded their work. Much of the material in the report has been supplied by Hogberg.

A great deal of the third-party communications heard on the h.f. ham nets is borderline ...some

flagrantly illegal. The Rules clearly prohibit all business messages ...and most international traffic if other authorized telecommunications services are available.

Some amateurs, like the Virgin Islands' **Herb Schoenbohm, KV4FZ**, of St. Croix have been pointing this out on the air waves in no uncertain terms. Schoenbohm has a group of supporters who agree with his views. The end result is an on-the-air circus-type dispute which pits amateur against amateur. Many hams feel they are assisting humanity by volunteering their time to pass phone patches and traffic for Americans in foreign countries, to missionaries ...or ships at sea. But once the message goes beyond simple greetings, they cross the regulatory line. The controversy and anger within the amateur community is now raging out of control. Everyone seems to have their own view of what is legal and what isn't ...or who is right and who is wrong. It's a real mess.

It is obvious that many participants simply are not aware of the rules - or feel that the FCC intentionally looks the other way. The *Maritime Mobile* and *Intercon Nets* were originally set up to handle phone patches to military vessels at sea and servicemen stationed overseas. Now they appear to be used as a call-in frequency to the U.S. for business purposes ...or to avoid the high cost of Maritime Service calls. The *IMRA, International Missionary Radio Association*, Net conducts church business on 14.280 MHz. The *InterAmerican Traffic Net* and the *Halo Net* also serve as call

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in frequencies for phone patches. There are others.

Lots of boaters have been told by boat dealers that they can utilize amateur gear for both emergency and personal phone call use and that it is much cheaper than buying the maritime equipment. Needless to say, phone patching has become commonplace on the 15 and 20 meter ham bands. As many as a dozen phone calls can be in progress on the twenty meter ham band at once.

Then there are the regularly scheduled bulletin stations. W1AW, the ARRL's headquarters station, used to be the only ham station that routinely broadcasted bulletins of interest to amateurs on many bands. The League even wrote the FCC regulations in order to allow them to be able to legally pay the W1AW operator a salary. These rules generally require 40 hours of code practice and bulletin transmissions per week on all MF and HF bands.

Now there are others! While most stations limit their broadcasts to short range VHF/UHF spectrum, **K1MAN, Glenn Baxter's** IARN, International Amateur Radio Network, Bulletin Service has now joined W1AW. Many amateurs are vocal in their objections to his dozens of daily transmissions on various frequencies. Some say his rambling transmissions are not for the general amateur population ...or are more like editorials of the station owner.

The FCC has received letters from other nations expressing their thoughts on the dispute. The Commission has now had enough and is taking action. A fact-finding letter has now been sent to many participants active in h.f. third party traffic handling. It was written by **FCC Special Services Division Chief, Bob McNamara**. It reads:

File Ref: 7230-J

This letter is being sent to you because you may be serving in an influential position with respect to third party telephony traffic, information bulletin or telegraphy practice communications transmitted on the amateur service HF bands. You may possess, therefore, information and insight that could help bring about a resolution of the unfortunate continuing over-the-air dispute that takes place on the amateur service 20 meter band. A similar letter also is being sent to other amateur

operators and organizations who may be of assistance.

We fear that enhancement of international goodwill -- a fundamental principle of the rules for the amateur service in the United States -- is being jeopardized as a direct result of this dispute. We are concerned, moreover, that the experimental nature of the amateur service is being suppressed. When a channel is used to carry on a never-ending debate, it is denied for the purposes for which the frequencies were allocated. Finally, requests to the Commission to resolve the dispute are diverting far too much staff time from other essential activities.

The Commission has, on numerous occasions, provided guidance to amateur stations conducting third party communications. In the Report and Order in PR Docket No. 88-139, for instance, the Commission concurred with the American Radio Relay League's observation concerning the proper balance in the rules between the flexibility to achieve the objectives of the amateur service and the degree of protection necessary to prevent exploitation of the service.

The amateur service should be allowed to utilize its allocated frequencies unfettered by encroachment from commercial entities. It should not be allowed to be exploited by those who would use them as an alternative to the land mobile, broadcast, maritime, or common carrier radio services.

For the above reason, Section 97.113(a) ...prohibits an amateur station from transmitting any communication the purpose of which is to facilitate the business or commercial affairs of any party. No amateur station shall transmit communications as an alternative to other authorized radio services, except as necessary to providing emergency communication under Sections 97.401-97.407 of the Commission's Rules.

In the order adopted June 29, 1983, 48 Fed. Reg. 32999 (1983), the Commission stated that the term "business" in this instance, is used in the broadest context. It includes all types of communications which are intended to facilitate the regular business or commercial affairs of any party, whether individual or organization, whether for-profit or not-for-profit, whether charitable or commercial, and whether government or non-government.

WOULD YOU LIKE TO BECOME A VOLUNTEER EXAMINER?
...der ...b W... Report... Program? ... So, please send a copy o...
... your Extra Class license the following signed statement, and a...
... I am a currently licensed Extra Class amateur radio operator and...
... I wis... be volu...r e...ner...hav...ver...m,atio...
... operator license revoked or suspended., I do not own a significant

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By Public Notice titled *Amateur Service International Radiocommunications* dated September 1, 1989, the Commission further elaborated upon the scope of Section 97.113(a): All types of communications relating to business activities, including the advertising, soliciting, ordering, furnishing, delivering, accounting, or billing of any supplies, materials, or services are prohibited.

Although Section 97.115(a)(1) permits an amateur station to transmit messages for a third party to any station within the jurisdiction of any foreign government whose administration has made arrangements with the United States, all international communications by amateur stations are subject to Section 97.117 of the Commission's Rules which limits amateur station transmissions to a different country to messages of a technical nature relating to tests and to remarks of a personal character for which, by reason of their unimportance, recourse to the public telecommunications service is not justified. This rule conforms to the international Radio Regulations applicable to the amateur service.

Considering the above limitations, it is not apparent why there should be any significant amount of third party communications transmitted in the amateur service. It appears, however, that as much as 15% of the 20 meter band is being claimed for such communications by some amateur operators and by organizations apparently organized specifically to utilize the amateur service for third party telephony communications. The justification for any such entitlement, however, has not yet been made to the Commission. Nor does it appear, as evidenced by the presence of the on-the-air dispute, that any such privilege claim has been accepted by the entire amateur community.

Our approach has been to allow the amateur community to resolve the issue in a spirit of cooperation, as it has for many issues several times in the past. Because this approach has not been effective in this instance, we are looking to other alternatives. One alternative approach may be rule making that could range the outcome from an outright ban against all third party traffic to the designation of specific channels in some segment of certain amateur bands where only third party telephony communications could be conducted. Before taking so drastic a step, however, we want to gain a better understanding of the issues behind the dispute.

We request your cooperation in resolving this matter. We therefore ask that you submit a report to us on this matter by November 15, 1989. While the submission of the report is voluntary, failure to submit it may mean that we have to proceed without the benefit of your expertise. Your report should include the following information based upon your personal observations during periods when the amateur service is not generally being used to provide emergency communications under Subpart E of Section 97.401-97.407:

(1.) Is there, in your view, a channel plan? What is the channel plan for the analog emission segment of each amateur service HF band? What is the channel spacing? How many channels are utilized for telephony in each band?

(2.) How many channels in each analog emission segment are used by Commission-licensed amateur stations for domestic third party telephony communications? What is the general nature of these communications? How many phone patches are transmitted per channel per day? What effect does the transmission of such communications have upon the amateur service? Why isn't a public telecommunication system, maritime service, or other radio service used for such communications?

(3.) How many channels in each analog emission segment are used by Commission-licensed amateur stations for international third party telephony communications? What is the general nature of these communications? How many phone patches are transmitted per channel per day? What effect does the transmission of such communication have upon the amateur service? Why isn't a public telecommunication system, maritime service, or other radio services used for such communications?

(4.) How many channels in each analog emission segment are used by Commission-licensed amateur stations for information bulletin telephony communications? How many amateur operators listen to one of these transmissions? How many information bulletin communications are transmitted per day? What effect does the transmission of such communications have upon the amateur service? Why aren't amateur digital systems used exclusively for such communications? What stations transmit such bulletin type messages? Is the transmission of such messages desirable or necessary?

(5.) How many channels in each analog emission segment are used by Commission-licensed amateur stations for telegraphy practice communications? How many persons make use of these transmissions for telegraphy practice? Why is an analog emission segment used for such communications? What effect does the transmission of such communications have upon the amateur service? In view of the availability of recorded telegraphy training material, why are amateur service frequencies still used for this purpose?

(6.) Please suggest a statement of practices that you believe should be followed by amateur stations transmitting third party communications, information bulletins, and telegraphy practice. Comment on whether the amateur service can voluntarily adopt your suggested practices, or should Section 97.101, General standards, be expanded.

Please feel free to provide any other factual information that would assist in a more complete understanding of the issues involved in the dispute. An envelope is enclosed for your reply. Thank you for your cooperation.

Sincerely,
(Signed) Robert H. McNamara
Chief, Special Services Division
Federal Communications Commission
Washington, DC 20554

PRESS RELEASE FROM VIRGIN ISLANDS CONGRESSMEN, RON DE LUGO...

We interviewed Jonathon Glass, Press Secretary to Ron de Lugo who is the U.S. Virgin Islands delegate to the House of Representatives. (The USVI official is called a "Delegate" or a "Member of Congress".)

De Lugo's office was extremely concerned with one thing: the communications of **Herb Schoenbohm (KV4FZ)**. They even had prepared a special press release, in case the FCC launched an investigation into Schoenbohm!

Glass said, "We've received dozens and dozens of complaints from amateurs. They say Schoenbohm is disrupting their frequencies, intruding on their conversations, using offensive language, and also interfering with marine channels. Over the last six months, we have exchanged letters with the FCC asking them to look into this, and we

have had staff meetings with the FCC."

Glass was frustrated with apparent FCC inaction on the complaints, but he was pleased to learn that the FCC 20 meter investigative letter had been mailed out.

Here is the text of the news release:

"Delegate Ron de Lugo today issued the following brief statement in response to inquiries about a Federal Communications Commission investigation into St. Croix ham radio operator Herb Schoenbohm."

"Any FCC investigation that might be under way has been brought about by Mr. Schoenbohm's own actions."

"I have received more than 100 letters from people around the country, and even from West Germany, who are deeply concerned about Mr. Schoenbohm's activities that interfere with ham radio communications."

"More than a dozen Members of Congress, Republicans and Democrats in both the House and the Senate, have written to me about Mr. Schoenbohm's deliberate attempts to harass ham operators in their districts."

[End of press release]

PETITION FILED SEEKS TO HAVE AMATEUR AUXILIARY RECOGNIZED IN RULES

Eric Hogberg, W4TAH, has now filed a Petition for Rulemaking with the FCC which looks toward acknowledging the Amateur Auxiliary of the FCC Field Operations Bureau in the Part 97 Rules in much the same fashion that VE's and VEC's are recognized.

"Since the Auxiliary is conducting investigations requested by the FCC Field Operations Bureau, the Auxiliary should be covered by Federal Rules and Regulations. It is felt that some recognition in Part 97 of the Rules and Regulations ...is of paramount importance in bringing about the ability of the Amateur Service to become self-policing again."

Hogberg says the scope of Auxiliary activities should include:

(1.) Routine monitoring, reporting and other normal

activities. Home entertainment, telephone and intercom interference investigations as is presently being conducted. Guidelines to be furnished by the FCC, Field Operations Bureau.

- (2.) No enforcement activities.
- (3.) Be organized along FCC Division lines. Allow the citation and enforcement process to be made by the Division directors or EIC's (Engineer in Charge) of Field Offices.
- (4.) Guidelines and authority for three types of meetings:
 - (a.) Arbitration meetings with binding outcome. Subject to FCC approval.
 - (b.) Mediation meetings with binding outcome. Subject to FCC approval, and;
 - (c.) Fact Finding meetings. Recommendations to FCC.

A board of three to five auxiliary members should be organized in each FCC district. They would have the authority to require attendance by individual amateurs, or at the request of individuals, a court hearing could be scheduled instead.

Hogberg also suggested that an Amateur Auxiliary "watch dog" committee be formed to oversee the VE program. They would be authorized to sit in on examinations and review credentials, preferably without prior notification.

Auxiliary members would be issued an identification card which would be renewed annually. Hogberg also believes there should be a means with which to recoup expenses.

"Due to the budgetary concerns at the FCC, it is believed that the Amateur Auxiliary could become a viable organization to assist the FCC Field Operations Bureau in policing of the Amateur Radio Service. ...If we are to conduct federal investigations for the FCC FOB, I feel that we must be protected under Part 97."

(Petition for Rulemaking dated: Oct. 15, 1989)

FAMOUS HAM/SKIPPER DIES

Capt. Henrick Kurt Carlsen, W2ZXM, died Oct. 1, 1989, at age 75. In 1952, Kurt was a 37-year-old sea captain who gained international attention for staying aboard his slowly sinking American freighter, the *Flying Enterprise* for several days. A storm in the English Channel had ripped open the ship's hull. After ordering the crewmen and passengers overboard, he remained with the ship so

that it could not be claimed for salvage by another company.

A second storm soon finished the destruction of the *Flying Enterprise*. He jumped overboard and watched it sink from a tugboat's deck near Falmouth, England.

Kurt returned to sea again on the new *Flying Enterprise II* with all the latest radio gear. For many years after he was frequently heard and contacted by hams world-wide that enjoyed hearing details of the sinking of the *Flying Enterprise*.

Kurt died at his home in Woodbridge, New Jersey.

AMATEUR RADIO CALL SIGNS

...issued as of the first of October 1989:

Radio District	Gp. "A" Extra	Gp. "B" Advan.	Gp. "C" Tech/Gen	Gp. "D" Novice
0	WX0B	KF0FO	N0LBX	KB0FGF
1	NY1Y	KC1QM	N1GZF	KA1UMA
2	WT2I	KE2PK	N2JXX	KB2IPO
3	NW3P	KD3PD	N3HNQ	KA3VFA
4 (*)	AB4QX	KM4YQ	N4VZL	KC4MPI
5 (*)	AA5OF	KG5YR	N5PHT	KB5KRX
6 (*)	AA6QX	KK6AG	N6WKU	KC6FYH
7 (*)	AA7BX	KF7XB	N7NPO	KB7ISH
8	WV8T	KF8BQ	N8LIH	KB8IEF
9	WK9P	KE9SI	N9IXW	KB9DKQ
N. Mariana Is.	AH0H	AH0AF	KH0AM	WH0AAL
Guam	KH2K	AH2CF	KH2EE	WH2AH
Johnston Is.	AH3B	AH3AD	KH3AB	WH3AAC
Midway Island		AH4AA	KH4AD	WH4AAG
Palmyra/Jarvis	AH5A			
Hawaii	(**)	AH6JT	NH6SW	WH6CDB
Kure Island			KH7AA	
Amer. Samoa	AH8C	AH8AD	KH8AH	WH8AAZ
Wake Wilkes Peale	AH9A	AH9AD		KH9AD
WH9AAH				
Alaska	(**)	AL7LO	NL7SS	WL7BVR
Virgin Islands	NP2F	KP2BR	NP2DJ	WP2AGZ
Puerto Rico	(**)	KP4QJ	WP4WX	WP4IOD

NOTE: * = All 2-by-1 format call signs have been assigned in the 4th, 5th, 6th and 7th radio districts. 2-by-2 format call signs from the AA-AL prefix block now being assigned to Extra Class amateurs. ** = All Group "A" (2-by-1) format call signs have been assigned in Hawaii, Alaska and Puerto Rico. Group "B" (2-by-2) format call signs are assigned to Extra Class when all Group "A" are allocated.

[Source: FCC, Gettysburg, Pennsylvania]

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SEPTEMBER VE PROGRAM STATISTICS

<u>September</u> <u>No. VEC's</u>	<u>1987</u> <u>18*</u>	<u>1988</u> <u>18*</u>	<u>1989</u> <u>18*</u>
Testing Sessions	306	364	456
<u>VEC</u> <u>1987</u>	<u>1988</u>	<u>1989</u>	
ARRL 43.8%	38.2%	48.9%	
W5YI 31.4	33.5	30.7	
CAVEC 3.9	6.9	5.0	
DeVry 6.2	5.5	3.5	
Others 9.7	15.9	11.9	
Year-to-Date Sess:	3228	3589	4028

Elements Administ.	5167	5858	7503
<u>VEC</u> <u>1987</u>	<u>1988</u>	<u>1989</u>	
ARRL 52.8%	45.2%	57.4%	
W5YI 23.1	22.8	22.6	
CAVEC 5.3	8.4	5.2	
DeVry 2.7	3.9	2.9	
Others 16.1	19.7	11.9	
Year-to-Date Elem.	61274	69181	73144

Applicants Tested	3342	3782	4570
<u>VEC</u> <u>1987</u>	<u>1988</u>	<u>1989</u>	
ARRL 50.5%	45.5%	49.5%	
W5YI 23.3	22.5	24.4	
CAVEC 4.8	7.5	5.0	
DeVry 2.9	3.9	2.8	
Others 18.5	20.6	18.3	
Year-to-Date Tested	38227	41335	43652

<u>September</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Pass Rate - All	62.3%	59.2%	61.9%
Pass Rate - W5YI	58.8%	55.9%	53.8%
Applicants/Session	10.9	10.4	10.2
Appl./Session W5YI	8.5	7.5	7.5
Elements/Applicant	1.7	1.7	1.6
Sessions Per VEC	17.0*	20.2*	25.3*

Administrative Errors by VE's/VEC's

<u>September</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Defect. Applications	0.5%	0.5%	0.4%
Late Filed Sessions	1.6%	1.7%	0.4%
Defective Reports	4.3%	1.7%	0.7%

***Note:** The FCC previously considered ARRL, W5YI and DeVry to be 13 VEC's each since VEC's initially were appointed on a regional basis. Since any VEC can now coordinate examinations in any region, the FCC has reduced the number of VEC Regions (62) to VEC Organizations (18). We have adjusted 1987 and 1988 figures to reflect this change.

[Source: Personal Radio Branch/FCC; Washington, D.C.]

SEPTEMBER AMATEUR LICENSING STATS

<u>September</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	
New					
Amateurs	1619	1917	1059	1408	
<u>Upgrading:</u>					
Novices	1080	1665	1075	1171	
Technicians	356	479	396	416	
Generals	374	467	343	314	
Advanced	<u>313</u>	<u>331</u>	<u>244</u>	<u>233</u>	
Total:	2123	2942	2058	2134	
<u>Renewals:</u>					
Total Renew:	N/A	3568	2437	*167	
Novices	N/A	207	209	*21	
<u>Purged:(*)</u>					
Total Drop:	1548	1460	974	1162	
Novices	N/A	896	497	512	
<u>Census:</u>					
Indiv. Oper.	421082	430201	436828	464800	
Change/Year	+8495	+17614	+6627	+27972	
<u>Indiv. Operators by Class:</u>					
<u>Extra</u>	<u>Advan.</u>	<u>General</u>	<u>Tech.</u>	<u>Novice</u>	<u>Total:</u>
<u>September 1986:</u>					
40768	98195	116864	86148	79107	421082
9.7%	23.3%	27.8%	20.4%	18.8%	100%
<u>September 1987:</u>					
43214	98147	114424	91633	82779	430201
10.1%	22.8%	26.6%	21.3%	19.2%	100%
<u>September 1988:</u>					
46152	98354	112989	99603	79730	436828
10.5%	22.5%	25.9%	22.8%	18.3%	100%
<u>September 1989:</u>					
49545	101514	116496	112631	84614	464800
10.7%	21.8%	25.1%	24.2%	18.2%	100%
Club/					
RACES &	(1986)	(1987)	(1988)	(1989)	
Military	<u>2663</u>	<u>2430</u>	<u>2301</u>	<u>2505</u>	
Total Active	423745	432631	439129	467305	
% Increase	+2.0%	+2.1%	+1.5%	*+6.4%	

NOTE: Again we remind you that the U.S. amateur service is not really expanding at a 6.4% rate. Due to the implementation of the 10-year term license in 1984, there were 27,615 less renewals this year. (30,903 during the first nine calendar months of 1988, only 3,288 for the comparable period this year.) Assuming the same drop-out rate, if you adjust for this difference, the number of U.S. amateurs would be up only 357 - a gain of less than one-tenth of one percent! The rate of growth in the U.S. Amateur Radio Service continues to decline.

Source: FCC Licensing Facility, Gettysburg, PA

■ **DXers around the world have their fingers crossed** that the planned DXpedition to Bouvet Island in the South Atlantic (3Y) comes off as scheduled. An 18 man team led by the Legion of Indianapolis DXers will land at Bouvet (1400 miles from Capetown, S. Africa) on February 1, 1990. Included are scientists, and photo teams from the National Geographic Society and the TV program "Explorer." The ham group will establish 7 individual transmitting stations.

INITIAL COMMENTS CLOSE ON "NO-CODE"

The comment period on whether the FCC should accept the twelve petitions proposing restructuring the Amateur Service closed on October 16th. Unfortunately, most of the comments filed on the no-code petitions were filed improperly and were not officially recorded and placed in the docket files by the FCC when we checked (late afternoon of Friday, Oct. 27). Reply comments are now due Tuesday, Oct. 31. It can be very difficult to reply to comments that are themselves not officially recorded and placed in the docket files by the FCC.

In most cases the commenters did not provide a sufficient number of copies. At a minimum, an original and a copy should be provided for each individual petition the amateur wants to comment on. It is impossible to comment on petitions as a group and still ensure that the comments are properly registered. In our experience, the FCC staff often has enough difficulty figuring out what to do with properly filed comments! In some cases the commenter's name is illegible. Some amateurs used the suggested heading we published, but neglected to eliminate one of the positions in the title (either "support" or "opposition") and it appears they oppose the measure. Following are some reply comments that have been received so far:

ARRL REPLIES TO CODE-FREE PETITIONS

"The wide variation in the types of proposals indicate little, if any, consensus among the petitioners as to the 'best' means of implementing a codeless amateur license, assuming *arguendo* that such a license class is needed."

"Given the substantial interest in a codeless license among amateurs at the present time, the diversity of opinion as to the proper approach to implementation of a codeless license class, and the novelty of the issue generally, a conservative plan is clearly called for. The League's proposal is such."

"The League's proposal reflects detailed study of the successes and failures of other administrations around the world which have implemented a codeless license class, and the reasons for those successes and failures. ...The [League plan's] proposed, limited operating privileges and written

examination requirements can be grudgingly accepted by many of those who oppose any type of codeless license class, and by many of those who would seek far broader operating privileges."

"Although there are numerous ways of dealing with the subject of a codeless amateur license... the League suggests that its proposal alone reflects as much of a consensus as can be obtained on the issue at the present time."

REPLY FROM MICHAEL C. TRAHOS/KB4PGC

"[A] consensus does exist among the petitions. Of the twelve petitions submitted, 75% supported the creation of a no-code license class. More importantly, of this 75%, 67% support the creation of a no-code license class with written examination requirements less than or equal to that of the lowest obtainable code license class."

"The majority of the petitioners were requesting the creation of at least a no-code Novice type license class, with considerations for the creation of also a no-code Technician type theory license class. This conclusion disproves the League's assertion that 'its proposal alone reflects as much of a consensus as can be obtained on the issue at the present time.' The League's assertion is not representative of the public view on this matter."

"The League's plan is too conservative. With long-term spectrum shortages projected by the FCC, it is imperative that Amateur Radio increase its ranks to curb the future potential re-allocation of Amateur Radio spectrum. Any petition which does not propose an entry-level no-code Novice type theory license class, such as the League's, will encourage commercial interests to propose the continued re-allocation of Amateur spectrum."

"Though the League continues to claim that the world experience supports its viewpoint, the Canadian and now British no-code experiences clearly show that the League's proposal, if adopted, will be a disastrous failure."

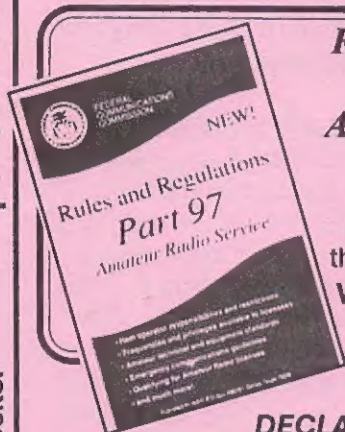
REPLY FROM: THOMAS C. BOWLING

[Not an amateur] Alexandria VA

"Code is a practical form of communications, but then so is chiseling words in stone if one happens to be in the tombstone business. ...Given the insignificant increase from Docket 86-161 [Novice

Enhancement] not being a surprise...one would assume that what happened there would also occur again when the proposal is for a service that admittedly has no code requirement, but has a comprehensive exam beyond that of a Technician, and then bestows privileges somewhere between a Novice and a Technician."

"One should find it 'bewildering' not to give all privileges except those denied by ITU regulations. Even the well-thought out petition of Trahos holds back the most used and desirable amateur voice frequencies, 2 Meters. It seems reasonable that if it is possible for no-code to exist in his proposed new codeless Technician class license then the holding back of 2 Meters in his proposal is simply to gain acceptance for consideration and has no justification beyond that point."



Rules and Regulations New! Part 97 Amateur Radio Service

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BIRTHPLACE OF FM DECLARES RADIO EMERGENCY

Bergen County, N.J. is the site of the first FM transmissions by radio pioneer Major Edwin Armstrong. Strangely, however, this historic location does not, and cannot have, its own commercial FM station. Exasperated with FCC and industry opposition to its desire for such a station, the Bergen County Board of Freeholders (council members) has declared a continuous state of "Radio Emergency", effective Sept. 6, 1989.

Bergen is the most populous county in the U.S. without a commercial FM station. It is so close to the New York City radio market that no spectrum is available for a commercial FM to be allocated to Bergen. However, county residents and officials have complained for years that New York radio stations do not serve the needs of Bergen residents.

Broadcast engineer Gerry Turro is a lifelong resident of Bergen County. As a teenage radio buff,

he identified an FM frequency that could possibly hold a commercial station -- but only if it operated at very low power. FCC rules do not allow "very low power" FM stations, but they do permit "translators" -- small stations that merely receive the signals of a primary FM station and rebroadcast it on another frequency. Translators are typically used to extend the coverage of a station into areas where reception is spotty. Today, Turro operates a 8 W translator in the county, W276AQ.

The Commission's rules do not allow translators to originate their own programming, except for 30 seconds each hour. Some translators, operated by community organizations, use this time to ask for donations. Only in emergencies do FCC rules permit a translator to originate its own programming full-time.

For years, Turro has been seeking FCC waiver of these rules, so that he can turn W276AQ into a full-fledged radio station originating its own programming specifically for county residents. Numerous city, county, state and federal officials have gone on record to support the request.

The FCC, however, denied the request twice, and the U.S. Court of Appeals did also. The FCC appears to fear a massive influx of waiver applications from entrepreneurs seeking to set up their own QRP FM stations. However, the agency recently began again to take comments on the idea.

Some detractors argued that 8 W is so little power that few in the county will hear the station, but at the same time it will provide "lethal competition" for existing AM stations. The *National Association of Broadcasters* and numerous stations around the country objected vehemently to the Turro concept, saying that there were plenty of New York stations for local residents to listen to.

In response, the mayor of one Bergen community, Fort Lee, told the FCC that "This county may be saturated by radio signals; that does not mean we are well served. Not one shred of evidence has been presented by these 'outsiders' to show that Fort Lee and the rest of this county receive radio programming geared to our needs."

The unusual twist came when the county board apparently decided that if declaring an emergency was the only way to get local FM radio, then they would declare an emergency. The board resolved,

"To continue without the benefits of...immediate communications is an endangerment of the public's safety and welfare and virtually places the people of Bergen County in imminent danger. ...The Board of Chosen Freeholders urges that the people of Bergen County be accorded the safety and welfare protection available only through the immediacy of 24-hour FM radio and to that end declare a radio state of emergency; and...urges the Federal Communications Commission to grant full-service 24-hour FM radio status immediately to Gerard Turro for translator W276AQ."

Turro has stated that he will not use the emergency authority to broadcast local radio programming immediately. His final decision depends on whether the FCC will reject his petitions for the third time. So far the FCC has taken no further action.

TV BROADCASTERS TAKE AIM AT "ELECTROMAGNETIC POLLUTION"

FCC "permissiveness" towards new services threatens the nation's "...free, local and universal television system," according to the *Association of Maximum Service Telecasters (AMST)*. AMST is one of the most influential lobbying forces at the FCC. It is a trade organization that represents TV stations that run maximum power. The association petitioned the Commission on Oct. 4, 1989 to launch an inquiry into the cumulative effects on picture quality of so-called "alien" nonbroadcast spectrum users.

Television spectrum "...has become a dumping ground for electromagnetic pollution," AMST said, arguing that interferers such as meteor-burst communications, Amateur Radio and land mobile services are subjecting the public to a "Tower of Babel" reminiscent of the 1920s before effective radio regulation.

"Unlike conditions facing radio in the 1920s," AMST said, "there are today many substitutes for over-the-air television service to which consumers may turn if the laxity of government regulation of interference permits the quality of television service to deteriorate. Consequently, the long-term consumer demand for over-the-air television is precarious."

Dealing with the FCC's traditional focus on complaints as a way of determining interference, AMST

said "There is less reason to expect that consumers will complain to the FCC about television interference, since viewers are unable to observe the source of electromagnetic pollution in the same way that they might be able to observe a smoking factory. The increasing increments of interference permitted may not even be noticed by the average viewer who ultimately, perhaps unconsciously, watches a particular station less and less or is driven to cable, videotapes, compact discs, and the like..."

Citing causes of interference to TV channel 2, the petition mentions that one of the amateur bands is directly below this channel. Comparing Amateur Radio and channel 2 TV to two cars passing, the AMST said that "...the [TV] receiver may not be able to squeeze itself into a sufficiently narrow band to avoid being brushed by a large amateur signal, or, worse still, the amateur signal may not be confined entirely within its own 'lane.'"

The petition focuses strongly on preventing any more new kinds of transmissions. It appears to give only passing attention to TVI immunity standards for receivers; in fact, only one sentence out of the 61-page petition directly addresses this fundamental issue. That sentence suggests that the FCC "...mandate new regulations affecting television receiver specifications in light of new evidence on consumer tolerances for interference." AMST says that consumers are expecting higher levels of picture and audio clarity and "have become, and will continue to become, less tolerant of off-the-air television broadcasts having an inferior picture and sound."

Among AMST's proposed solutions are establishment of an Interference Ombudsman or Interference Board at the FCC, and requiring submission of a *TV Interference Impact Statement* before adoption of any new service. AMST also requests interim relief "...to prevent interference harm to the public's television service" while the FCC considers the petition. Towards that end, AMST suggests a freeze on interfering spectrum uses.

According to reports, the AMST petition is receiving a general welcome among the FCC commissioners. Certainly, if the AMST measures are adopted, limits on new amateur bands and/or modes, and limits on innovative new services are possible. At presstime it had not been granted an RM number.